



18W

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

IN RE APPLICATION OF : Michael R. Clark and Detlev F. Smith
FOR : **REVERSIBLE FOOT PEDAL FOR AN EXERCISE APPARATUS AND METHOD THEREFOR**
SERIAL NO. : 10/750,433
FILED : December 30, 2003
LAST OFFICE ACTION : UNKNOWN
EXAMINER : UNKNOWN
GROUP ART UNIT : 2171
ATTORNEY DOCKET NO. : 31419.23990

Akron, Ohio 44311-4407
March 8, 2005
Customer #26781

CERTIFICATE OF MAILING

I hereby certify that this **SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT UNDER 37 C.F.R. §1.56 and §1.97** is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on the following date:

3-10-05


Connie J. Nutter

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT
UNDER 37 C.F.R. §1.56 and §1.97

Dear Sir:

In accordance with 37 C.F.R. § 1.56, the applicant files this Information Disclosure Statement (IDS) under at least one of the following five circumstances:

1. **There is No Information to disclose:** No patent novelty search was performed in this case and neither the Applicant nor the undersigned are aware of any prior art devices or documents which they believe to be material to the invention as claimed. This document is being supplied for informational purposes to the Examiner and is evidence of our desire to comply with the duty of disclosure.

2. **Under § 1.97,** this IDS is filed with the knowledge that it will NOT be considered, but WILL be placed in the file, if

- (1) this IDS is filed BEFORE the grant of a patent; AND
- (2) this IDS does NOT comply with the requirements noted below

3. **Under § 1.97(b),** this IDS should be considered because it is being filed

- (1) within 3 months of the filing date of a national application, other than a continued prosecution application under § 1.53(d); OR
- (2) within three (3) months of the date of entry of the national stage of an international application as set forth in § 1.491; OR
- (3) before the mailing date of a first Office Action on the merits; OR
- (4) before the mailing of a first Office Action after the filing of a request for continued examination under § 1.114,
whichever occurs last.

4. **Under § 1.97(c):** this IDS should be considered because it is being filed after the period specified Under § 1.97(b) above, BUT

- (1) before either the mailing date of a final action under § 1.113 OR
- (2) before the mailing date of a notice of allowance under § 1.311; OR
- (3) before an action that otherwise closes prosecution in the application,
whichever occurs last AND

it is accompanied by one of the following statements under § 1.97(e):

I, Heather M. Barnes, the undersigned hereby state:

(a) Each item of information contained in this information disclosure statement was first cited in a communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this statement, OR

(b) To the knowledge of the undersigned, after making reasonable inquiry, no item of information contained in this statement was known to any individual designated in 37 C.F.R. § 1.56(c) more than 3 months prior to the filing of this statement; OR

A check in the amount of \$180.00 is enclosed to cover the Information Disclosure Statement (IDS) Fee under 37 C.F.R. § 1.17(p) as required when neither item (a) nor (b) above are selected.

5. **Under § 1.97(d):** this IDS should be considered because

- (1) it is being filed after the period specified Under § 1.97(c) above but ON OR BEFORE payment of the issue fee, AND
- (2) it is accompanied by one of the following statements under § 1.97(e):

I, Heather M. Barnes, the undersigned hereby state:

(a) Each item of information contained in this information disclosure statement was first cited in a communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this statement, OR

(b) To the knowledge of the undersigned, after making reasonable inquiry, no item of information contained in this statement was known to any individual designated in 37 C.F.R. § 1.56(c) more than 3 months prior to the filing of this statement; AND

A check in the amount of \$180.00 is enclosed for the petition fee as set forth under 37 C.F.R. § 1.17(i).

In accordance with § 1.56 and § 1.97 the references listed on the attached form PTO/SB/08A are being brought to the attention of the Examiner for consideration in connection with the examination of the above-identified patent application. Copies of these cited documents are enclosed.

Please charge deposit account No. 501210 if any additional fees are required.

It is respectfully requested that the Examiner indicate consideration of the cited references by returning a copy of the attached form PTO/SB/08A, with initials or other appropriate marks.

Respectfully submitted,

BROUSE McDOWELL

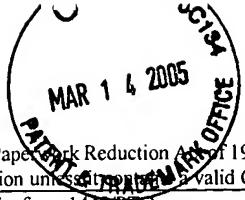
March 9, 2005
Date

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604288.2

Heather M. Barnes
Heather M. Barnes
Reg. No. 44,022

Customer #26781



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~~1449~~ Substitute for form 1449/PTO

**INFORMATION DISCLOSURE
STATEMENT BY APPLICANT**
(Use as many sheets as necessary)

Sheet 1 of 2

<p>Substitute for form 1449/PTO</p> <p>INFORMATION DISCLOSURE STATEMENT BY APPLICANT</p> <p><i>(Use as many sheets as necessary)</i></p>				<p>Complete if Known</p>	
				Application Number	10/750,433
				Filing Date	December 30, 2003
				First Named Inventor	Michael R. Clark et al
				Art Unit	2171
				Examiner Name	UNKNOWN
				Attorney Docket Number	31419.23990
Sheet	1	of	2		

U.S. PATENT DOCUMENTS

FOREIGN PATENT DOCUMENTS

Examiner Signature		Date Considered	
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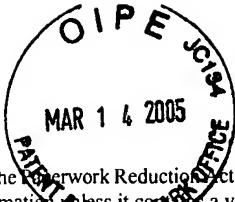
*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

¹Applicant's unique citation designation number (optional). ²See Kinds Codes of USPTO Patent Documents at www.uspto.gov or MPEP 901.04.

³Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). ⁴For Japanese patent documents, the indication of the year of the right of the Emperor must precede the serial number of the patent document. ⁵Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. 16 if possible. ⁶Applicant is to place a check mark here if English language Translation is attached.

This collection of information is required by 37 CFR 1.97 and 1.98. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 (1-800-786-9799) and select option 2.



PTO/SB/08A (04-03)

Approved for use through 04/30/2003. OMB 0651-0031

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Substitute for form 1449A/PTO

INFORMATION DISCLOSURE STATEMENT BY APPLICANT

(Use as many sheets as necessary)

Sheet 2 of 2

<p>Substitute for form 1449 APTO</p> <p>INFORMATION DISCLOSURE STATEMENT BY APPLICANT</p> <p><i>(Use as many sheets as necessary)</i></p>				<p>Complete if Known</p> <table border="1"> <tr> <td>Application Number</td> <td>10/750,433</td> </tr> <tr> <td>Filing Date</td> <td>December 30, 2003</td> </tr> <tr> <td>First Named Inventor</td> <td>Michael R. Clark et al</td> </tr> <tr> <td>Art Unit</td> <td>2171</td> </tr> <tr> <td>Examiner Name</td> <td>UNKNOWN</td> </tr> <tr> <td>Attorney Docket Number</td> <td>31419.23990</td> </tr> </table>		Application Number	10/750,433	Filing Date	December 30, 2003	First Named Inventor	Michael R. Clark et al	Art Unit	2171	Examiner Name	UNKNOWN	Attorney Docket Number	31419.23990
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OTHER DOCUMENTS

Examiner Signature		Date Considered	
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